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Attorneys for Defendants

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Designated solely for service pursuant to LR 1A 11-1(b)

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ERIKA SMITH, individually and on behalf of all
 those similarly situated,

Plaintiff,

vs.

ALLSTATE FIRE AND CASUALTY
 INSURANCE COMPANY, ALLSTATE
 INDEMNITY COMPANY, ALLSTATE
 INSURANCE COMPANY, ALLSTATE
 NORTHBROOK INDEMNITY COMPANY,
 ALLSTATE PROPERTY AND CASUALTY
 INSURANCE COMPANY, ALLSTATE
 VEHICLE AND PROPERTY INSURANCE
 COMPANY, DOES 1 through 10,

Defendants.

No. 2:21-cv-00487- RFB-BNW

**STIPULATION [AND PROPOSED
 ORDER] TO DISMISS WITH
 PREJUDICE**

Plaintiff Erika Smith (“Plaintiff”) and Defendants Allstate Fire and Casualty Insurance Company, Allstate Indemnity Insurance Company, Allstate Insurance Company, Allstate Northbrook Indemnity Company, Allstate Property and Casualty Insurance Company, and Allstate Vehicle and Property Insurance Company (collectively, “Defendants”), by and through their attorneys, for good cause shown, hereby stipulate and agree as follows:

1. Plaintiff filed this action in state court on February 23, 2021.
2. Defendants removed this action from state court to federal court on March 24, 2021.
3. On May 14, 2021, Defendants moved to dismiss Plaintiff’s Complaint [ECF No. 36] (the “Motion”). Plaintiff filed her Response to Defendants’ Motion on June 14, 2021 [ECF No. 39]. Defendants filed a Reply in Support of the Motion on July 9, 2021 [ECF No. 40].
4. On February 9, 2022, following oral argument on Defendant’s Motion to Dismiss, the Court dismissed Plaintiff’s claims for declaratory relief and breach of contract with prejudice and the claims for breach of implied covenant of good faith and fair dealing, tortious bad faith and violation of the Deceptive Trade Practices Act without prejudice. [ECF No. 45.]
5. The Court granted Plaintiff’s extension to May 11, 2022 to file an Amended Complaint. [ECF No. 49.]
6. Plaintiff does not intend to file an Amended Complaint and the parties stipulate that Plaintiff’s action against Defendants is dismissed with prejudice and without fees and costs to any of the parties in this action.

IT IS SO STIPULATED AND AGREED TO BY:

Dated: April 29, 2022

/s/ Matthew L. Sharp
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4 *Attorneys for Plaintiff*
(signed by filing attorney with permission
received via e-mail on April 29, 2022).

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Attorneys for Defendants

5 **IT IS SO ORDERED:**

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7 DATED: May 4, 2022
8 _____



9 RICHARD F. BOULWARE II
10 UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I, Timothy O. Hemming, hereby certify that on April 29, 2022, I caused to be served the foregoing **STIPULATION [AND PROPOSED ORDER] TO DISMISS WITH PREJUDICE** on all counsel of record, including the following counsel for Plaintiff, via the Court's CM/ECF service system:

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/s/ Timothy O. Hemming
Timothy O. Hemming, Esq.